

REMARKS

Claims 1-10 are rejected under 35 U.S.C. §102(e) as being anticipated by Yao et al. (U.S. Patent No. 6,255,031) ("Yao"). The position of the Office appears to be that Yao discloses a near infrared material which can be used as an infrared-cutting material and which is prepared from the same components as claimed by applicants and, therefore, would inherently have a solvent content as recited in the claims.

The position of the Office is not correct. First, Yao does not disclose a near infrared material which is prepared from the same components as claimed by applicants. Although the near infrared absorbing-dye recited in the claims in the present claims is disclosed in Yao, Yao does not disclose a transparent resin film containing at least the near infrared absorbing-dye **and** a dye having maximum absorption wavelength at 550 to 620 nm. Yao is completely silent regarding the latter dye. The maximum absorption wavelength of 550 to 620 nm is an orange light region including a neon light and light within this wavelength is a cause of an indistinct image. Yao teaches only that his disclosed material can be used as a near infrared-cutting material, and does not refer to this 550 to 620 nm region.

For the above reason alone, the 35 U.S.C. § 102(e) rejection of claims 1-10 of the application for anticipation is improper and should be removed.

Second, the present invention provides a near infrared-cutting material wherein the amount of the solvent remaining in the transparent resin film is 5 ppm by weight to less than 500 ppm by weight. The reason why this solvent content is important is described in detail in the present specification (page 2, line 16, to page 4, line 5). A method for achieving such solvent content is also described in detail in the present specification. More specifically, a method for achieving such solvent content is described on page 6, line 14, to page 7, line 4. Further details are described on page 17, line 6, to page 21, line 17. The importance of the solvent content is shown in the examples and comparative examples and the affects resulting from the solvent content are described following the examples and comparative examples.

Yao does not disclose the solvent content of the films disclosed therein which contain a near infrared-absorbing dye and does not disclose a process for producing a near infrared-cutting material which includes drying steps as recited in claims 6 and 7 of the application. Yao discloses only a drying step conducted

under an ambient temperature followed by 70°C. The Office has not provided any basis to support a position that such drying process would be expected to inherently result in a solvent content as recited in the claims of the application.

When the solvent content is controlled at a minimum level, the long-term stability of the near infrared-absorbing dye, etc., at high temperatures is improved significantly. Yao teaches nothing regarding this advantage. Yao, therefore, is unrelated to the present invention which has alleviated the problems of the prior art and, by minimizing the amount of the solvent remaining in the resin film containing a near infrared-absorbing dye, etc., improved the long-term stability of the near infrared-absorbing dye, etc. in the resin film at high temperatures.

For this reason also, Yao cannot properly support a rejection of claims 1-10 for anticipation under 35 U.S.C. § 102.

Removal of the 35 U.S.C. § 102(e) rejection of claims 1-10 and issuance of a notice of allowability are in order and are respectfully solicited.

The foregoing is believed to be a complete and proper response to the Office Action dated December 1, 2003, and is believed to place this application in condition for allowance. If, however, minor issues remain that can be resolved by means of a telephone

PATENT APPLN. NO. 10/091,522
RESPONSE UNDER 37 C.F.R. §1.111

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NON-FINAL**

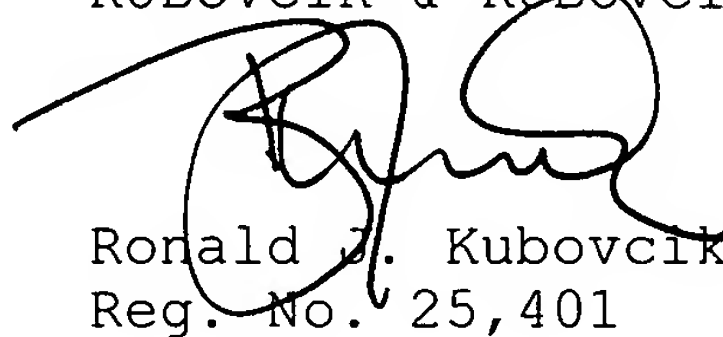
interview, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number indicated below.

In the event that this paper is not considered to be timely filed, applicant hereby petitions for an appropriate extension of time. The fee for any such extension may be charged to our Deposit Account No. 111833.

In the event any additional fees are required, please also charge our Deposit Account No. 111833.

Respectfully submitted,

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